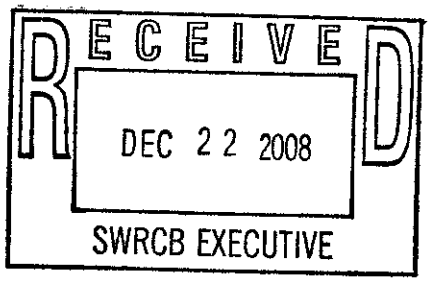
Construction Industry Coalition on Water Quality

December 22, 2008



Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento CA 95814

Email: commentletters@waterboard.ca.gov

Re: **Comments of the Construction Industry Coalition on Water Quality Concerning the Proposed Recycled Water Policy**

Ladies and Gentlemen:

The Construction Industry Coalition on Water Quality (CICWQ) appreciates this opportunity to comment on the development of a Recycled Water Policy for California. Increased use of recycled water is critical to California's water supply future, and the policy should facilitate the beneficial use of recycled water for irrigation and groundwater recharge, among other uses.

CICWQ is comprised of the four major construction and building industry trade associations in Southern California: the Associated General Contractors of California (AGC), the Building Industry Association of Southern California ("BIA/SC"), the Engineering Contractors Association (ECA) and the Southern California Contractors Association (SCCA). The membership of CICWQ is comprised of construction contractors, labor unions, landowners, developers, and homebuilders throughout the region and state. These organizations work collectively to provide the necessary infrastructure and support for the region's business and residential building needs. Clearly, ensuring adequate water supplies to meet existing and projected demands for all Californians is a major focus for CICWQ members.

We support the overall structure and approach of the November 2008 proposed Policy and believe it is a significant improvement over the previous drafts. The proposed Policy also tracks the September 2, 2008 draft prepared by a group of water industry and nongovernmental organization stakeholders. However, we urge the State Water Board to consider additional revisions to the proposed Policy in order to provide greater clarity, increase the practicality of implementation, and conserve the limited resources of water recyclers, their customers, and the Water Boards. Specifically, CICWQ suggests revising the policy in the following areas: Salt and Nutrient Management Plans, Specification of Monitoring Frequencies, and Incidental Runoff.

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Salt and Nutrient Management Plans

One of the major concerns with the earlier State Water Board draft of the Policy was the requirement that individual water recycling projects be tasked with completion of salt plans. We are pleased that the November 2008 version recognizes that salt and nutrient issues within groundwater basins cannot be resolved by focusing on recycled water use, and that the proper approach to addressing these issues is through locally controlled and driven plans, developed by broad groups of stakeholders, including the Regional Water Boards.

We are concerned, however, that the Policy does not limit the salt and nutrient planning requirement to those basins where beneficial uses are impaired or threatened, or where high quality waters are in need of protection. While the Policy recognizes that the plans may vary in complexity, the plans are still required for all basins. Since the development and implementation of the plans is critical in some areas, but not everywhere, it is important for the Policy to clearly prioritize where plans should be developed, so that limited public resources can be devoted to areas of real concern. We also do not believe that groundwater monitoring for salts and nutrients is necessary, or even feasible, in very basin and sub-basin in this large and diverse state. Finally, the organization and structure of this section should be improved to provide a more useful outline of how to proceed with these plans.

Specification of Monitoring Frequencies

Another concern raised during the debate over the previous draft of the Policy was a concern that many of the proposed provisions were far too specific and "permit like" for Board policy. For the most part, the current draft avoids this flaw and strikes the appropriate balance of broad goals and guidance. One exception is in the area of monitoring requirements. In several places, the draft Policy would mandate a particular minimum monitoring frequency, without regard to the circumstances of the project or the recommendations of the expert scientific panel to be established. We do not believe this is appropriate, and recommend that the monitoring frequencies be deleted from the sections dealing with landscape irrigation (Section 7(b)(4)) and groundwater recharge (Section 8(b)(2).) With regard to chemicals of emerging concern (CECs), both sections should state that monitoring for these constituents may be required in accordance with the expert panel recommendations.

Incidental Runoff

Incidental runoff, by definition, consists of small amounts of unintentional runoff from irrigation projects. This is no different from the runoff that occurs in any irrigation project, regardless of the source of water used. We agree with the water industry that the Policy should state that incidental runoff does not pose a threat to water quality. In addition, we share the concern that the new language regarding incidental runoff is overly detailed and prescriptive for a Policy, and that conditions regarding practices that are appropriate for a particular site should be left to the permitting process.

To address this concern, we propose that the language be revised to delete the specific requirements set forth in Section 7(a)(1) through (4) and replaced with a simple statement that

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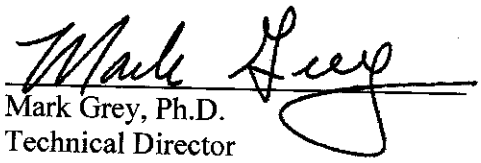
water recyclers shall develop and implement an operations and management plan that provides for compliance with the site control requirements of Title 22.

If you have any questions, please feel free to contact me at (909) 396-9993, extension 252, or mgrey@biasc.org.

Respectfully,



Mark Grey, Ph.D.
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Construction Industry Coalition on Water Quality